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The Right Youth for Your Juvenile Drug Court

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This technical assistance brief is based on a simple, common sense notion:

The best results in any juvenile court intervention will be achieved when you are able to match the <u>right</u> youth to the <u>right</u> program at the <u>right</u> time.

However, as is often the case, this is easier said than done as there are a variety of factors at play, especially when working with justice-involved youth with substance use disorders. This brief focuses on the first part of that common sense notion—targeting the <u>right</u> youth. Specifically, this brief is written for juvenile drug court (JDC) professionals to help them make informed, initial decisions regarding which youth are the *right* youth for a JDC.

Adolescence is a confusing and complex time. Young people are still working on their full identities, cognitive abilities, and understanding of themselves. Because of this, it can be challenging to obtain an accurate picture of a youth as "right" for a service or intervention. Many factors affect this picture: age, gender, level of maturity, cognitive abilities, race, ethnicity, parental involvement, stability of the home and community, and risk and/or protective factors.

While there are many factors to consider when finding the right youth for participation in a JDC, fortunately there are tools and strategies available to assist teams with creating and maintaining systematic decision-making processes. Such processes will increase the likelihood that the youth accepted are the youth who will get the most benefit out of the program and are the youth who will exit the program as successful graduates. On the other hand, JDC teams that fail to develop and institute systematic decision processes regarding the youth they accept are more likely to:

- waste valuable resources on youth who do not need them;
- cause harm by pulling youth further into the system; and
- affect JDC outcomes negatively.

The first step in taking a systematic and consistent approach to youth acceptance is developing a clear and concise checklist of eligibility criteria. Without it, the probability that your JDC is accepting the wrong youth increases.

Establishing Eligibility Criteria

Most JDCs have codified their eligibility criteria within their policies and procedures manuals. However, more often than not, the JDC teams developed eligibility criteria during the early planning stages of the program. Furthermore, these original eligibility criteria may be based on the stock examples provided in initial JDC trainings or simply copied from a neighboring county. This means that the criteria established were not data driven. Once developed or codified, the criteria established have a tendency to remain unchanged. Many teams never look back to determine if the criteria are aligned with the program requirements or are matched to the actual need in the community and the services available.

What the Research Tells Us

Currently, there are no nationally recognized standard eligibility criteria for juvenile drug courts. As a result, each jurisdiction must establish target and eligibility criteria based on the characteristics of at-risk youth, JDC program goals and objectives, and available services in the jurisdiction. Practice-based standards suggest that JDCs are most appropriate for youth who:

- are at moderate to high risk for both delinquency and continued substance abuse;
- are aged 14 to 17;
- have a previous history of juvenile court involvement; and
- have had previous attempts to address substance abuse issues.

We say practice-based because these general program requirements represent the conventional wisdom of many juvenile drug courts. Of these, only the criterion that JDCs should target moderate- to high-risk youth is based on research results. Research has shown that jurisdictions that target a moderate- to high-risk/need population have better outcomes than those with a less specific criterion. The other criteria are based on experience, conventional wisdom, and common sense. Older juveniles are more mature and have better developed cognitive abilities. It is reasonable, then, to assume they will respond better than younger offenders to a lengthy, multi-disciplinary, intensive and complex intervention. Juveniles who have had unsuccessful previous juvenile court involvement and who are also abusing alcohol and drugs demonstrate that they may benefit from a more intensive approach to these issues. Likewise, a chronic history of substance abuse indicates that prevention and early intervention approaches were not successful and a more intensive, structured approach may be more successful.

The Juvenile Drug Courts: Strategies in Practice (16 Strategies) notes that "given the large population of youth who can potentially benefit from the intensive services of a juvenile drug court, one of the major tasks in its planning is to determine the characteristics and backgrounds of the youth who will be served by the program." The 16 Strategies suggest that JDCs carefully define the target population and set the program eligibility criteria to screen youth from the target population. An additional benefit of clearly articulated criteria is that they are amenable to research designed to identify and confirm optimal JDC criteria.

A common shortcoming of many JDC eligibility criteria is that they lack clear inclusionary criteria and they are not aligned with screening and assessment instruments used in the court's jurisdiction. This lack of clarity and consistency often requires JDC teams to make exceptions when determining which youth will be accepted. As a result, the outcomes of the decision process become subjective and unpredictable when they should be objective and consistent.

Consider, for example, the description below of eligibility that one may find in a typical JDC policy and procedures manual:

Adolescents 13-18 who have been in trouble with the law, primarily due to actions linked with illicit substance abuse. In particular, juveniles on probation who have substance abuse problems. Clients are not eligible if they have been convicted of a violent weapons offense, a sex offense, major drug sales, or a first degree residential burglary. Program is not open to minors in placement.

These criteria pose some challenges that may not be obvious at first glance. First, the language is vague (e.g., "have substance abuse problems"). It does not list the validated screening or assessment instrument used or the corresponding score for a youth to achieve that would indicate a substance use issue. Second, it contains more exclusionary factors than inclusionary factors. Third, because of the challenges listed above, court professionals referring to this JDC may find it difficult to determine who exactly fits this population. Who the program will accept is not clear to referral sources so referrals may not be forthcoming and/or may be inappropriate, which the team would ultimately have to turn away.

Rather than focusing on characteristics that are not wanted by the team (e.g., drug sellers, sex offenders), JDC teams should determine the right youth for the services they have and address the needs that the JDC is designed to address. To do this, JDC teams must 1) look to their data to set criteria based on need, 2) have an understanding of the importance of making structured and data-based decisions, and 3) review, understand, and incorporate risk/need screening and assessments into the process.

¹ Cooper, C. (2001) Juvenile Drug Court Programs. Juvenile Accountability Incentive Block Grants Program: Bulletin. Washington D.C.: OJJDP

² Juvenile Drug Courts: Strategies in Practice (2003) Washington, D.C.: BJA

Using Data to Target the Right Youth

Who is right for JDCs? Part of the answer to that question lies in the design and intentions of the juvenile drug court itself. JDCs should be designed to meet the needs of specific at-risk youth in their communities (i.e., moderate to high in risk and need). To achieve this design goal, JDC teams must find reliable answers to a number of essential questions:

- How many youth come to the attention of the juvenile court in any given time period?
- What is the nature of their delinquency?
- Does it appear that substance use is driving their delinquency behavior?
- How many of those youth have substance abuse issues?
- What is the nature of those issues?
- What are the prevalent substances being abused?
- What are the resources available in the community to address youth with both delinquency and substance abuse (and perhaps mental health and education) issues?

The answers to those questions will allow JDC teams to identify the characteristics of youth they wish to target, including those related to:

- age and gender;
- level of risk to re-offend and continue to abuse drugs/ alcohol;
- offense history (i.e., current offenses, past offenses, and chronicity of offending); and
- amenability to substance abuse treatment and other interventions.

Fortunately, the data to answer these questions are typically available. The table below provides a snap shot of sources of data that can be accessed and analyzed to provide a detailed composite of the youth the JDC team will be serving.

All of these questions should be addressed by the team in a strategic planning meeting prior to accepting the first youth into the JDC. It is also extremely important that JDC teams revisit the listed target population and eligibility criteria periodically (i.e., once per year) to reaffirm that the JDC continues to reflect the conditions and needs specific to the at-risk youth in their communities.

Table 1: Sources of Data

Target Population Characteristics	Sources of Data
Youth population	 U.S. Census School Enrollment Data Communities that Care
Court-Involved Youth	 Arrest Data Juvenile Court Data (Delinquency) Juvenile Court Data (Dependency) Risk/Needs Assessment Results
Substance Abuse Among Youth	 Arrest Data (Alcohol and Drug Related) Juvenile Court Adjudication and Dispositions (Substance Abuse) Youth Substance Abuse Surveys Public Health Data
Prevention and Intervention Resources	 United Way Directories of Community-based Service Providers Juvenile Court-based Interventions Department of Public Welfare (County) Department of Public Welfare (State) Office of Juvenile Justice and Delinquency Prevention (OJJDP) Model Program Guide



Screening and Assessment to Target the Right Youth

Eligibility criteria should include threshold findings or scores from screening and assessments. Screening and assessment are terms associated with evaluating a youth's criminogenic, substance abuse, mental health, and other needs. However, the terms mean two very different things. Screening usually consists of a very brief, generalized effort to determine if the youth's substance abuse and/or delinquency are of sufficiently high levels to warrant JDC involvement. Screening for JDC involvement typically occurs at juvenile court intake, but may take place at other decision points, including arrest, prosecutorial review, detention, or while the youth is on probation supervision.

Assessments, on the other hand, are typically conducted using validated psychometric instruments or are performed by trained clinicians. They are designed to provide a comprehensive analysis of a youth's need for an intervention and other supplementary social services. This more time- and information-intensive type of evaluation is typically performed on a subset of youth whose screening results indicate the need for further assessment.

Juvenile justice professionals historically have used one or more of three basic strategies or approaches to screening and assessment:

- 1) an intuitive approach
- a structured intuitive approach
- empirically-based risk/needs screening and assessment tools

There are strengths and weaknesses to each of these approaches. They vary in reliability, objectivity, and quality of program outcomes.

Intuitive Approach: The intuitive approach is the traditional approach taken by probation officers and case workers. It is typically based on a justice professional's experience, education, training, values, and personal point of view. The advantages of this approach are that it is the least complicated, requires the least amount of formal training, and involves the fewest procedural requirements. However, because of the broad variation inherent in each of the factors listed above across individual professionals, this approach is the least consistent. It is extremely unlikely that any two people will have the same or even, similar points of view on all of these factors. That means if 10 professionals were presented with the same facts relevant to a case, they would likely generate 10 different perspectives on the best approach for handling that case. The intuitive approach is highly subjective and prone to be influenced by individual experiences and biases. Case outcomes (good or bad) are most likely to be purely accidental.

Structured Intuitive Approach: The structured intuitive approach is a slightly more consistent approach for determining which youth is in need of and can benefit from treatment. It is a strategy based on an *organization's* mission and collective experience, values, and point of view as opposed to the point of view of each *individual* professional. The structured intuitive approach usually involves a protocol or matrix with standard inquiries that professionals use to gather data that may be applied to screening, assessment, and determinations about referrals and admissions. However, the items may or may not be empirically based so they will still be very subjective and prone to *organizational* biases. Any case-level outcomes resulting from this approach are likely to be more consistent (good or bad), but still subject to chance and/or bias.

Empirical Screening and Assessment: In this approach, assessments are based on risk and need factors that have an empirical association with risk to re-offend, substance abuse, or continued delinquency. This approach is systematic and somewhat evidence-based, but not validated to a specific population. It is also more reliable, objective, and driven by research-based evidence correlated with specific risk or criminogenic factors. Outcomes are more likely to be associated with evidence-based expectations.

Support for Using Validated, Evidence-Based Risk/Needs Screening and Assessment Instruments

Some juvenile justice professionals remain skeptical about the usefulness of screening and assessment instruments. They wonder why they should trust the results of what amounts to a questionnaire to make decisions about how to select and manage services to address the complex issues of juvenile court-involved youth. However, while these concerns are not unwarranted, if jurisdictions select risk/needs assessment instruments with care, there are good reasons to have confidence that the results obtained from administering risk/needs assessment instruments are reliable. They will help identify the youth who are appropriate for a juvenile drug court program and will also help professionals develop the right plan for treatment and services to address youths' risk and needs.



Risk/need assessments have been around for a long time. While juvenile justice service professionals initiated exploration of the use of actuarial risk assessments in the 1970s, public social service agencies in the United States have used actuarial risk assessments since 1928. The use of risk/needs assessments in the juvenile justice system has been growing since the 1990s.¹ Designing, testing and using valid, reliable, and equitable risk assessment in juvenile justice began in earnest in 1998 when the Office of Juvenile Justice and Delinquency Prevention (OJJDP) published the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders. OJJDP's comprehensive strategy included ensuring the effectiveness and appropriate targeting of services by implementing both an actuarial risk assessment instrument and a needs assessment instrument.²

Important to Note - Risk Assessment

For more information on implementing a validated risk assessment, read the MacArthur Foundation's Risk Assessment in Juvenile Justice: A Guidebook for Implementation at:

http://modelsforchange.net/publications/346

The OJJDP classifies risk/needs assessments as "important tools to help juvenile justice practitioners assess, classify, and treat juvenile offenders." To be most effective, risk/needs assessments should be well designed, validated, reliable, and based on principles identified through research as important to reducing offenders' recidivism and ensuring public safety.

The results of risk/needs assessment can be applied to case planning and service delivery in several meaningful ways:

- they minimize bias in judgments about youths' risk to public safety and highlight case management service needs;
- they provide a common language between agencies and among professionals;
- they decrease the use of unnecessary intervention (and thus unnecessary costs) of intensive supervision, expensive incarceration, and provision of services for youth who do not need them;
- they improve resource development by providing objective data for tracking primary problem areas of youth; and
- in the long run, they may reduce reoffending rates.⁵



There are many risk/needs assessment instruments suitable for application in JDCs. While reviewing and selecting the risk/needs assessment instrument or instruments that are suitable for your JDC can be daunting, keep in mind that the instruments validated by research, share many commonalities, and they are all cut from the same cloth.

¹ Schwalbe, Craig S. (2008). A meta-analysis of juvenile justice risk assessment instruments: Predictive validity by gender." Criminal Justice and Behavior 35(11):1367–81.

² Baird, C., Healy, T., Johnson, K., Bogle, A., Dankert, E.W., and Scharenbroch, C. (2013). A Comparison of Risk Assessment Instruments in Juvenile Justice. National Council on Crime and Delinquency.

³ http://www.ojjdp.gov/mpg.

^{4 &}quot;Risk Needs Assessment for Youth," Prepared by Development Services Group, Inc., under Contract #2013–JF–FX–K002. (http://www.ojjdp.gov/mpg/litreviews/RiskandNeeds.pdf).

⁵ Ibia

The Right Youth: A Case Study from Albuquerque, New Mexico

The Bernalillo County JDC Team – The Albuquerque, New Mexico JDC team participated in a technical assistance project sponsored by NCJFCJ. While in the project, the team examined and revised its target population and eligibility criteria. What follows is a description of the Albuquerque team's experience. It illustrates how a JDC team can apply the principles and strategies presented in this Technical Assistance Brief.

In 2014, the Bernalillo County, New Mexico JDC team was struggling to reach capacity (mandated by a state agency at 30 participants). This is a common challenge among the 400 JDCs across the United States, so the Bernalillo County team was not alone in trying to solve this issue. The team's other data highlighted other concerns as well:

- The referral numbers were low. When referral numbers are low, referral sources may not be aware of the JDC or understand what the JDC's role in the larger juvenile justice system is. This piece of information pointed to an education gap among the referral sources (i.e., a marketing issue).
- The acceptance rate for the referrals they did get was

Fiscal Year 2013

- 12 participants
- 47% graduation rate
- 32% termination
- Cost per client \$64.32
- 36% of referrals were accepted
- Average of 42 days to process a referral

very low, which points to a lack of understanding on the part of the referral sources about identifying the right youth for the JDC (i.e., clear and concise eligibility criteria).

• The graduation rate was lower than the state average and the termination rate was high which suggests that the youth they were working with were not the right youth for the services they could provide.

With these data and a thoughtful analysis of the data, the Bernalillo County's team began reviewing and revising the eligibility criteria used to identify the youth for their program. Team members realized that a big part of the issue was that the criteria lacked clarity and didn't reflect all the characteristics they wanted. At the time, the program used a screening and assessment instrument, the Structured Decision Making (SDM) tool. The tool included a section on Substance Abuse to assess youth on both risk and needs. The SDM also offered a scoring method that allowed for identifying youth with

Bernalillo County NM JDC Revised Eligibility Criteria			
Juveniles are eligible for JDC if they:			
1	Are between the ages 14 to 17 years old at the time of JDC referral		
2	Have been arrested or convicted of drug offenses or drug related crimes having to do with alcohol or other drugs as		
	defined in the New Mexico Criminal Code and New Mexico Children's Code		
3	Have non-drug-related offenses that were committed while under the influence, or were committed to support		
	addiction or dependency, or are substantially related to the use or abuse of alcohol or drugs		
4	Have previously been on supervised probation in the past, and are currently failing on probation partly due to		
	continued drug or alcohol use		
5	Score moderate to high in both the risk and needs section of the substance abuse section of the Structured Decision		
	Making tool and substance abuse is identified as one of the top three needs		
6	Are currently on or will be placed on formal probation supervision for a minimum of one year		
7	Are actively using drugs or alcohol or they are in the process of being successfully discharged from a substance abuse		
	treatment facility		
8	Have an IQ of over 70		
9	Have a history of prior treatment but continue to abuse drugs or alcohol despite interventions		
10	Have been diagnosed with a severe substance abuse disorder in the past 30 days		
11	Are ordered to complete the JDC program as a condition of their probation		

moderate to high risks and needs. The team determined that scores on the substance abuse sections of the SDM should be part of the eligibility criteria as well.

From this review of the tools available and desired participant characteristics, the team developed a set of detailed criteria to indicate more clearly the youth that the program wanted.

The table on the opposite page presents the team's newly revised eligibility criteria.

The new criteria were locally developed and based on a comprehensive analysis of the jurisdiction's juvenile court population and on a critical assessment of the jurisdiction's JDC operations.

The revised eligibility criteria had many benefits for the Bernalillo County, NM team. They provided a simple and clear checklist which allowed referral sources to identify the right youth for the JDC. (Figure 1 below is the checklist used in Bernalillo County.) The criteria helped to funnel quality referrals to the JDC team and led to efficiencies



in the referral process because there was less ambiguity in the decision-making procedure. As noted above, the team was able to attach risk/need instruments to the criteria, indicating the score or value needed to be referred. This increased the probability that the program would accept the right youth. The articulated criteria now also enable the team to be able to collect and track quality data regarding the make-up of the youth the program is serving. This, in turn, will allow the team to connect youth characteristics to

Figure 1: Bernalillo County, NM Eligibility Criteria Checklist				
	Right Kid			
1	Is the child between the ages of 14 and 17?	☐ Yes	□ No	
2	Has the child been arrested for a drug or alcohol related offense OR does the child have non-drug or alcohol referrals that were motivated by drugs or alcohol?	☐ Yes	□ No	
3	Has the child been on supervised probation anytime in the past?	☐ Yes	□ No	
4	Is the child scoring high to moderate on the risk section of the SDM?	☐ Yes	□ No	
5	Is the child scoring high to moderate on the needs section of the SDM?	☐ Yes	□ No	
6	Is one of the identified POC needs substance abuse?	☐ Yes	□ No	
	Right Time			
1	Is the child currently on or will they be placed on probation for at least one year?	☐ Yes	□ No	
2	Has the child used drugs or alcohol in the past 90 days OR are they being successfully discharged from a substance abuse in-patient treatment facility?	☐ Yes	□ No	
Right Program				
1	Does the child have an IQ of over 70?	☐ Yes	□ No	
2	Has the child received substance abuse treatment in the past?	☐ Yes	□ No	
3	In the past 30 days was the child diagnosed with a severe substance abuse disorder OR is the answer yes to the following four questions?	☐ Yes	□ No	
3.1	Is the child's substance abuse affecting the child's work, school, or home life?	☐ Yes	□ No	
3.2	Is the child's substance abuse putting the child's life in danger (i.e., driving drunk)?	☐ Yes	□ No	
3.2	Is the child's substance abuse negatively affecting the child's decision making?	☐ Yes	□ No	
3.2	Is the child continuing to use despite the use of graduated sanctions?	☐ Yes	□ No	

long-term outcomes (positive or negative).

So, what does the Bernalillo County JDC program look like in 2015?

The team increased the number of youth participating from 12 to 27. This means the program is almost meeting its capacity, accepting 75% of referrals (up from 36%). This shows that the referral sources understand the team's target population. The graduation rate is up to 68% from 47%, and the termination rate is down to 12% from 32%. This suggests that the team is likely targeting the right youth for the services the program is providing. The process is becoming more efficient because the average number of days from referral to acceptance has gone down, from 42 to 21.

Fiscal Year 2015

- 27 participants
- 68% graduation rate
- 12% termination rate
- Cost per client: \$33.62
- 75% of referrals are accepted
- Average of 21 days to process a referral

Recruiting, Screening, and Admission

Recruiting: One of the chronic issues facing JDCs is decreasing referrals and lower program enrollments. Many JDCs are simply not able to fill the slots available to them. There appear to be many reasons for this predicament, including the national decline in numbers of juveniles referred to juvenile courts, the increasing emphasis on diverting youth from formal juvenile court processes, the resistance of key system partners to refer juveniles to JDC programs, and the traditional passive approach of waiting for clients to be referred to the JDC. Whatever the reason, it remains critically important to enlist, not just youth into the JDC program, but the right youth. Establishing clear, unambiguous eligibility criteria is the necessary first step in the recruitment process.

Typically, the JDC Coordinator is likely to be the most appropriate person to handle JDC recruitment efforts. There are several things that the JDC Coordinator can do to boost enrollment, including:

- Develop informational materials (e.g., program descriptions, brochures, presentations) that describe the scope and nature of the JDC program as well as its benefits to youth, family, community, and system partners;
- Provide informational materials and in-service training to key system partners;
- Develop and disseminate an eligibility checklist to assist
 potential referral agents (e.g., law enforcement, judges,
 juvenile court intake, detention staff, and probation
 officers) in identifying and referring appropriate JDC
 candidates; and
- Collect performance data and report outcomes to key system partners to increase confidence in the quality and efficacy of the JDC program.

Screening: A successful recruitment process necessitates a reliable process for screening youth who are actually eligible from those who may be eligible. Recommendations regarding screening and assessment are noted above. Screening and assessment criteria should be included in a program's eligibility criteria. The eligibility criteria checklist and example provided earlier are powerful tools for making accurate and consistent decisions regarding which youth are most appropriate for JDC referral. Once it has been determined that a youth is an appropriate candidate for the JDC, the prosecutor, juvenile intake officer, or probation officer can schedule the youth for JDC admission and assessment.

Admission: Once referred, youth are seriously considered for JDC admission. Admission decisions are typically made by one or more of the following:

- the JDC coordinator;
- a therapist or substance abuse caseworker; or
- by the JDC Team collectively.

The assessment process at JDC admission should be comprehensive and may include a clinical assessment by a substance abuse therapist and/or the results of a structured assessment instrument (e.g., GAIN Q3). If the youth meets all of the criteria for admission (e.g., moderate to high risk on the assessment instrument and confirmation of all JDC admission criteria) and if the youth does not have any forbidden characteristics (e.g., violent offender, severe mental health or cognitive disability), he may be admitted into JDC program.

⁶ OJJDP Statistical Briefing Book http://www.ojjdp.gov/ojstatbb/

⁷ Center for Juvenile Justice Reform, National Center for Mental Health and Juvenile Justice, National Juvenile Defender Center, National Youth Screening and Assessment Project, and Robert F. Kennedy Children's Action Corps. Juvenile Diversion Guidebook: Prepared by the Models for Change Juvenile Diversion Workgroup March 2011.

Summary

Once youth have been identified, screened, assessed and determined to be right for the JDC, they may be admitted. Upon admission, the JDC team must strive to make sure that youth have the best chance for success. This includes creating informed treatment/supervision plans designed to guide them through the phases of the JDC and matching them with effective programs and services that best meet their criminogenic, skill building, and substance abuse treatment needs. The road to successful program outcomes begins with targeting and accepting the right youth. When juvenile drug courts fail to identify the right youth, no programs or timing of services will be right. In this brief, we laid out a strategy for identifying and targeting the right youth:

- Identify the characteristics of the youth you wish to target based on the nature, intent, and design of your juvenile drug court;
- Assess and document characteristics of youth in the general population in your community, and particularly the characteristics of juvenile courtinvolved youth in your jurisdiction;

- Establish strategic eligibility criteria based on the scope and nature of the JDC and the supervision, treatment, and intervention resources available in the community;
- 4) Develop an eligibility criteria checklist to share with key stakeholders (law enforcement, prosecutors, juvenile court judges/magistrates, juvenile court intake, and probation);
- Establish recruitment protocol, including a JDC marketing plan;
- 6) Screen JDC referrals for those most likely to meet admission criteria; and
- Admit referrals whose eligibility criteria have been confirmed through clinical and/or structured risk/ needs assessment.

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Notes

Action Items:





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